

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

FFC MORTGAGE CORP.,

Plaintiff,

vs.

STEVEN LO BUE, BRIAN KELLY, and  
SHAF KAMAL,

Defendants.

Case No.: 6:19-cv-06420 (MAT)

**NOTICE OF MOTION TO DISMISS AND/OR COMPEL ARBITRATION OF CLAIMS  
ASSERTED AS AGAINST DEFENDANTS LO BUE AND KELLY**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, the Declaration of Ariel Y. Graff and exhibits attached thereto, the Declaration of Christopher J. Carcich and exhibits attached thereto, together with all prior pleadings and proceedings had herein, Defendants Lo Bue and Kelly hereby respectfully move this Court, before the Honorable Michael A. Telesca, 100 State Street, Rochester, New York 14614, for an Order: dismissing the claims asserted against them in this action by Plaintiff FFC Mortgage Corp. ("FFC"), pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6); and compelling arbitration of any claims against them by FFC, pursuant to Sections 3 and 4 of the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*

In accordance with Local Civil Rule 7(b)(2)(B), Plaintiff shall have until July 8, 2019 to file and serve responding papers, and Defendants shall have until July 15, 2019 to file and serve their anticipated reply papers, except as otherwise directed or permitted by the Court.

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Dated: June 21, 2019

Respectfully submitted,

By:   
Ariel Y. Graff

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